

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

The Bank of New York Mellon fka The Bank  
of New York as Trustee for the  
Certificateholders of CWALT, Inc.  
Alternative Loan Trust 2006-OC11, Mortgage  
Passthrough Certificates, Series 2006-OC11,

Plaintiff

v.

4655 Gracemont Avenue Trust, et al.,

Defendants

Case No. 2:17-cv-00063-JAD-BNW

**Order Directing Entry of Amended  
Judgment on Remand**

In 2020, this court dismissed the Bank of New York Mellon’s claims in this HOA-foreclosure action as time-barred by Nevada’s catch-all four-year deadline in Nevada Revised Statute (NRS) 11.220 because it was filed more than four years after the foreclosure sale occurred.<sup>1</sup> Two years later, the Supreme Court of Nevada agreed that such actions are subject to NRS 11.220’s four-year limitations period in *U.S. Bank v. Thunder Properties*, but it declined to adopt a bright-line trigger for when that period begins to run.<sup>2</sup> Because the instant case was on appeal when *Thunder Properties* was decided, the Ninth Circuit panel asked for supplemental briefing about when the statute began to run on these claims.<sup>3</sup> Based on that briefing, the panel found that the bank’s action was timely, vacated my dismissal, and “remanded to the district court for entry of judgment in favor of Mellon.”<sup>4</sup>

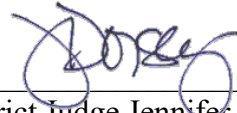
<sup>1</sup> ECF No. 118 (minutes of trial ruling); ECF No. 120 (judgment).

<sup>2</sup> *U.S. Bank v. Thunder Properties*, 503 P.3d 299, 307 (Nev. 2022).

<sup>3</sup> ECF No. 131 at 5 (Ninth Circuit order).

<sup>4</sup> *Id.* at 7.

1 In light of that mandate, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED  
2 that the Clerk of Court is directed to **ENTER an AMENDED JUDGMENT in favor of the**  
3 **Plaintiff Bank of New York Mellon and against the defendant, declaring that the deed of**  
4 **trust recorded against 4655 Gracemont Avenue in Las Vegas, Nevada, APN 177-07-311-127**  
5 **on 9/25/2006 survived the June 12, 2012, foreclosure sale and remains an encumbrance on**  
6 **the property.**



U.S. District Judge Jennifer A. Dorsey  
Dated: January 31, 2023